रजिस्ट्री सं० डी० 221 REGISTERED No. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 45] नई दिल्ली, शुक्रवार, अगस्त 22, 1969/श्रावण 31, 1891
No. 45] NEW DELHI, FRIDAY, AUGUST 22, 1969/SRAVANA 31, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 22nd August, 1969:—

BILL No. 69 OF 1969

A Bill further to amend the High Court Judges (Conditions of Service) Act, 1954.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1969. Short title and commencement.

(2) It shall come into force at once.

2. In section 13 of the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the principal Act), for the words "Governor of the State in which the principal seat of the High Court is situate", the words "President of India" shall be substituted. Amendment of section 13.

28 of 1954.

Amendment of the First Schedule.

3. In the first Schedule to the principal Act, in Part I,—

(*a*) in clause (*a*) of paragraph 3, for the word and figures "Rs. 5,000", the word and figures "Rs. 10,000" shall be substituted;

(*b*) in the proviso to paragraph 3, for the word and figures "Rs. 10,000", the word and figures "Rs. 20,000" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The present position regarding provisions relating to the grant of leave and pensions to High Court Judges is highly unsatisfactory. The Law Commission in its Fourteenth Report, paragraphs 46 and 47, page 86, has opined that the present rate of pensions payable to the High Court Judges is inadequate and has recommended an increase.

The present Bill seeks to remove the odious position whereby the authority sanctioning leave to a Judge of the High Court is the Governor, and also seeks to give effect to the recommendations of the Law Commission in the matter of increase of pensions of High Court Judges.

NEW DELHI; M. NARAYANA REDDY.
The 22nd May, 1969.

RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 20|7|69-Judl. III, dated the 10th July, 1969 from Shri Vidya Charan Shukla, Minister of State in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The Vice-President acting as President having been informed of the subject matter of the Bill recommends the introduction and consideration of the Bill in the Lok Sabha under article 117 of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the increase of pensions payable to the High Court Judges at almost double the existing rates as an incentive to attract competent lawyers and jurists to the Bench. It is not possible to estimate the exact amount as a result of the proposed increase. It may be about Rs. 2 lakhs a year.

BILL NO. 74 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1969.

(*2*) It shall come into force at once.

Amendment of Eighth Schedule.

2. In the Eighth Schedule to the Constitution, after entry 2, the following entry shall be inserted, namely:—

"2A. Boudhi".

STATEMENT OF OBJECTS AND REASONS

Boudhi language in one form or other is spoken and written in Boudhi script by the people in an area of thousands of square-miles from Ladakh to NEFA. There are volumes of literature written in Boudhi script. The language of the displaced persons from Tibet is also Boudhi. It is, therefore, necessary to include Boudhi language in the Eighth Schedule to the Constitution in order to promote the culture of the people living on the borders of Northern India to create emotional integration amongst them and to give them a respectable place in the Indian culture.

NEW DELHI;
The 9th July, 1969.

MAHARAJ SINGH BHARTI.

BILL NO. 72 OF 1969

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1969.

(*2*) It shall come into force at once.

Amendment of First Schedule.

2. In the First Schedule to the Constitution,—

(*a*) under the heading "I. THE STATES", after entry 17, the following entry shall be inserted, namely:—

"18. Manipur.

The territory which immediately before the commencement of this Constitution was being administered as if it

were a Chief Commissioner's Province under the name of Manipur.";

(b) under the heading "II. THE UNION TERRITORIES", entry 3 relating to Manipur shall be deleted.

STATEMENT OF OBJECTS AND REASONS

For a long time now, the people of Manipur have been agitating for full Statehood. They rightly feel that with the present status of a Union territory, it is not possible for them to play their rightful role in developing the economic, social, cultural and political conditions of the Manipuris. The failure of the Government of India to consider their legitimate demand has given rise to a separatist movement in the Union territory which may have very grave consequences. The Bill seeks to confer full Statehood on Manipur.

NEW DELHI; GEORGE FERNANDES.

The 21st July, 1969.

BILL NO. 77 OF 1969

A Bill to provide for the control and regulation of foreign donations and aid.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Foreign Donations and Aid Regulation Act, 1969.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals;

(*b*) "currency" includes all coins, currency notes, bank notes, postal notes (postal orders), money orders, cheques, drafts, travellers' cheques, letters of credit, bills of exchange and promissory notes;

(*c*) "foreign currency" means any currency other than Indian currency;

(*d*) "foreign exchange" means foreign currency and includes all deposits, credits and balances payable in any foreign currency and any drafts, travellers' cheques, letters of credit and bills of exchange, expressed or drawn in Indian currency but payable in any foreign currency;

(*e*) "foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province or people beyond the limits of India;

(*f*) "foreigner" means a person who is not a citizen of India;

(*g*) "gold" includes gold in the form of coin whether legal tender or not, or in the form of bullion or ingot whether refined or not and jewellery or articles made wholly or mainly of gold;

(*h*) "Indian currency" means currency which is expressed or drawn in Indian rupees;

(*i*) "silver" includes silver bullion or ingot, silver sheets and plates which have undergone no process of manufacture subsequent to rolling and silver coin which is not legal tender in India or elsewhere and jewellery or articles made wholly or mainly of silver.

Restrictions on the receipt of donations and aid.

3. Except with the previous permission of the Central Government and by the authority of the Reserve Bank of India, no citizen of India, public or private institution or any other company shall receive from any foreign State or foreigner any donations or aid in foreign or Indian currency, foreign exchange, gold, silver, or of any other kind whatsoever.

Accounts.

4. Where in the opinion of the Central Government it is necessary or expedient to regulate the manner in which the foreign donations or aid has been utilised, the Central Government may, by notification in the Official Gazette, direct that annual accounts be submitted ending on the last day of December of every year.

Power to call for information.

5. (*1*) Where for the purposes of this Act the Central Government or the Reserve Bank considers it necessary or expedient to obtain and examine any information, book or other document in the possession of any person or which in the opinion of the Central Government or the Reserve Bank of India it is possible for such person to obtain and furnish, the Central Government or, as the case may be, the Reserve Bank of India may, by order in writing, require any such person, whose name shall be specified in the order, to furnish, or to obtain and furnish to the Central Government or the Reserve Bank of India or any person specified in the order, with such information, book or other document.

(*2*) If, on a representation made in writing by a person authorised in this behalf by the Central Government or the Reserve Bank of India, a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class has reason to believe—

that a contravention of any of the provisions of this Act has been, or is being or is about to be committed in any place;

or that a person to whom an order under sub-section (*1*) of this section has been or might be addressed, will not or would not produce the information, book or other document;

or where such information, book or other document is not known to the Magistrate to be in the possession of any person;

or where the Magistrate considers that the purpose of any investigation or proceeding under this Act will be served by a general search or inspection;

he may issue a search-warrant and the person to whom such warrant is directed may search or inspect in accordance therewith and seize any book or other document, and the provisions of the Code of Criminal Procedure, 1898, relating to searches under that Code shall, so far as the same are applicable, apply to searches under this sub-section: 5 of 1898.

Provided that such warrant shall not be issued to any police officer below the rank of Sub-Inspector.

Explanation.—In this sub-section, "place" includes a house, building, tent, vehicle, vessel or aircraft.

False Accounts not to be furnished.

6. No person shall when complying with the provision of section 4 of this Act shall give any accounts or make any statements which he knows or has reasonable cause to believe to be false, or not true, in any material particular.

Ex]

Penalties.

7. (*1*) If any person or company contravenes the provisions of section 3 of this Act, he shall be liable upon conviction by a Court to punishment with imprisonment for a term which may extend to two years, or with fine, or with both.

(*2*) Whoever contravenes the provisions of section 4, or section 6 of this Act, shall, upon conviction by a Court, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Cognizance of offences.

8. No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

Procedure of trial.

9. The provisions of the Code of Criminal Procedure, 1898 relating to the trial of warrant cases shall be followed and shall apply for the trial of any offence punishable under this Act. 5 of 1898.

Appeal, reference and revision.

10. The provisions of the Code of Criminal Procedure, 1898 shall apply for purposes of appeal, reference and revision. 5 of 1898.

Bar of legal proceedings.

11. No suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith under this Act or any rule, direction or order made thereunder.

Power to make rules.

12. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Without prejudice to the generality or the foregoing power, such rules may prescribe forms and the circumstances in which they are to be used for the purposes of this Act.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be: so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Donations and aid are received in India from foreign States and foreigners in foreign and Indian currency, foreign exchange, gold, silver and sometimes in kind. Such receipt of donations and aid is at present not controlled by any legislation although national interests necessitate that full and complete information about them should be available to the Government through the Reserve Bank of India. Legislation is, therefore, necessary to give the Central Government and to the Reserve Bank of India powers to have complete information as to the receipt of foreign donations and aid taken by Indian citizens, public or private institutions or companies. The provisions of this Bill have been drafted with a view to impose restrictions on the receipt of foreign donations and aid without the permission of the Central Government and the authority of the Reserve Bank of India.

Hence this Bill.

OM PRAKASH TYAGI

NEW DELHI;

The 16th July, 1969.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules to carry out the purposes of this Act. These rules will relate mainly to matters of a routine or administrative nature. Moreover, the rules shall be subject to the scrutiny of Parliament. The delegation of legislative power is thus of a normal character.

S. L. SHAKDHER,
Secretary.

PRINTED IN INDIA BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI, 1969